

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL THOMAS,

Defendant.

CASE NOS. 2:22-cr-00179-LK
2:22-cr-00180-LK

ORDER GRANTING MOTION
FOR SCHEDULING ORDER TO
GOVERN THIRD-PARTY CLAIM

This matter comes before the Court on the Government's Motion for Scheduling Order to Govern a Third-Party Claim. 22-cr-179, Dkt. Nos. 122 and 123; 22-cr-180, Dkt. Nos. 310 and 311. The Government requests that the Court issue a scheduling order governing ancillary proceedings arising from Dan Le's claim to property that has been preliminarily forfeited in these cases. 22-cr-179, Dkt. No. 123 at 1; 22-cr-180, Dkt. No. 311 at 1; *see also* 22-cr-179, Dkt. No. 92 (preliminary order of forfeiture); 22-cr-180, Dkt. No. 233 (same). No party or claimant has responded to the motion.

Courts may permit discovery and entertain motions related to a third-party claim pursuant to Federal Rule of Criminal Procedure 32.2(c)(1). To the extent an evidentiary hearing on a third-

1 party claim is required, courts conduct those hearings pursuant to 21 U.S.C. § 853(n)(2) and (4)–
 2 (6). The Court, having reviewed the Government’s Motion as well as the other papers and
 3 pleadings filed in this matter, including Mr. Le’s claim, 22-cr-179, Dkt. No. 121; 22-cr-180, Dkt.
 4 No. 301, hereby finds entry of an order setting a discovery schedule and a motions deadline is
 5 appropriate.

6 The Court also finds good cause to keep Mr. Le’s personal email address under seal unless
 7 and until he signs up to file electronically using this email address. *See, e.g., Am. Auto. Ass’n of N.*
 8 *California, Nevada & Utah v. Gen. Motors LLC*, 2019 WL 1206748, at *2 (N.D. Cal. Mar. 14,
 9 2019) (sealing personally identifiable information of third party individuals, including names,
 10 addresses, phone numbers, and email addresses); *Nursing Home Pension Fund v. Oracle Corp.*,
 11 2007 WL 3232267, at *2 (N.D. Cal. Nov. 1, 2007) (“The Ninth Circuit has found that compelling
 12 reasons exist to keep personal information confidential to protect an individual’s privacy interest
 13 and to prevent exposure to harm or identity theft.”).

14 NOW, THEREFORE, THE COURT ORDERS:

- 15 1) The Government’s Motions are GRANTED, 22-cr-179, Dkt. Nos. 122 and 123; 22-cr-
 16 180, Dkt. Nos. 310 and 311;
- 17 2) The Government and Dan Le may engage in discovery related to Mr. Le’s asserted
 18 interest in the Ruger SP101 .22 caliber Revolver, bearing serial number 577-04336.
 19 The discovery period closes on **February 12, 2025**; thereafter, they shall file any
 20 dispositive motions no later than **April 12, 2025**; and
- 21 3) If necessary, an evidentiary hearing will be scheduled and held on Mr. Le’s claim.
- 22 4) The United States shall serve this Order on Dan Le via certified mail and file proof of
 23 service with the Court no later than 14 days from the date of this Order.

1 The Court also notifies Mr. Le that to file motions, responsive briefing, or other appropriate
2 submissions with the Court, he may either (1) mail them to the Court at U.S. District Court, 700
3 Stewart Street, Seattle, WA, 98101 with the case numbers for both cases (2:22-cr-179-LK and
4 2:22-cr-180-LK) on all documents, or (2) sign up to file electronically by contacting the CM/ECF
5 Support Team and following their instructions. Mr. Le can reach the CM/ECF Support Team by
6 phone at (206) 370-8440, option#2 or by email at cmecf@wawd.uscourts.gov.

7 Dated this 19th day of September, 2024.

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Lauren King
10 United States District Judge
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